

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 11, 2005**

AGENDA ITEM NO.: 8

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedication and Naming Requests – Persimmon Way Subdivision, Section II, off Mountain Laurel Drive**

RECOMMENDATION: Approval of an ordinance to approve the subdivision, street dedication and naming requests

SUMMARY: David J. Smith and Patricia Smith, represented by Troy D. Williams, Hurt and Proffitt, Inc., are requesting to dedicate a new street to be named "Persimmon Way," off Mountain Laurel Drive in the proposed Persimmon Way, Section II Subdivision. The proposed street, with a fifty (50) foot right-of-way, would extend approximately nine hundred (900) feet in a northeasterly direction to its terminus in a cul-de-sac.

PRIOR ACTION(S):

September 14, 2005: Planning Division recommended approval
Planning Commission recommended approval (6-0 with 1 member absent, Mr. Richard Barnes)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DEDICATING A CERTAIN AREA LOCATED ON THE EAST SIDE OF MOUNTAIN LAUREL DRIVE AS A RIGHT-OF-WAY FOR THE PROPOSED PUBLIC STREET TO BE NAMED "PERSIMMON WAY."

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Section 35.1-76._____ of the Code of the City of Lynchburg, 1981, be and the same is hereby amended to read as follows:

Section 35.1-76._____. Dedication of a certain area located on the east side of Mountain Laurel Drive as a right-of-way for the proposed public street to be named "Persimmon Way."

The area embraced within the following boundaries . . .

All that parcel of land lying and being in the City of Lynchburg, Virginia, starting on the east side of Mountain Laurel Drive and extending from Mountain Laurel Drive in a northeasterly direction for approximately nine hundred (900) feet with a right-of-way width of fifty (50) feet to its terminus in a cul-de-sac containing one and nineteen hundredths acres more or less as shown on the plat by Hurt & Proffitt, Inc., dated May 13, 2005.

. . . is hereby dedicated as a right-of-way for the proposed public street to be named "Persimmon Way."

The dedication of Persimmon Way and its acceptance as a public street is contingent on David J. Smith and Patricia Smith filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Persimmon Way as a public street null and void.

Adopted:

Certified:

Clerk of Council

To: Planning Commission
From: Planning Division
Date: September 14, 2005
RE: **SUBDIVISION, STREET DEDICATION AND NAMING REQUEST- PERSIMMON WAY, SECTION II
SUBDIVISION, OFF MOUNTAIN LAUREL DRIVE**

I. PETITIONER

David J. Smith and Patricia Smith, 209 Trents Ferry Road, Lynchburg, VA 24503-1021.

Representative: Troy D. Williams, Hurt and Proffitt, Inc., 2524 Langhorne Road, Lynchburg Virginia 24501.

II. LOCATION

The subject property is a tract of land containing approximately thirty-two (32) acres located on the east side of Mountain Laurel Drive, which is off Running Cedar Way and Locksview Road. The proposed new street contains one and nineteen hundredths (1.19) acres located on the east side of Mountain Laurel Drive.

III. PURPOSE

The purpose of this request is to dedicate one and nineteen hundredths (1.19) acres for right-of-way for the proposed public street to be named "Persimmon Way" located on the east side of Mountain Laurel Drive.

IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density, Single-Family Residential District.
- Petition agrees with the Zoning Ordinance requirements for right-of-way dedications.
- Request complies with City Code Section 35.105 requirement that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

The Planning Division recommends approval of the public street dedication and naming requests.

V. FINDINGS OF FACT

1. **Background.** Troy D. Williams, Hurt and Proffitt, Inc., is requesting to dedicate one and nineteen hundredths (1.19) acres for right-of-way of the proposed public street to be named "Persimmon Way" located on the east side of Mountain Laurel Drive, which is off Running Cedar Way and Locksview Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Mountain Laurel Drive in a northeasterly direction for approximately nine hundred (900) feet to its terminus in a cul-de-sac.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming request.
4. **Proposed Use of Property.** The purpose of the request is to develop approximately thirty-two (32) acres into five (5) lots with a residue lot, street dedication and naming for residential single-family lots.

5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on August 23, 2005. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:

- “Show any existing and proposed water line and sewer easements on this plat.”
- “Separate road-water-sewer plans must be submitted to the Engineering Division for review for any infrastructure which will become City-owned property.”
- “Public utilities will need to be extended to serve the subject property. Road, water and sewer plans are to be submitted separately to the Engineering Division for review.”
- TRC Members—the Traffic Engineer and the Fire Marshal—reviewed the request and had no concerns with the proposed public street name. The Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager also found that the proposed street name does not conflict with any existing street names.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Persimmon Way,” with fifty feet of right-of-way, approximately nine hundred (900) feet in length, to be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated May 13, 2005. The dedication of Persimmon Way and its acceptance as a public street is contingent on David J. Smith and Patricia Smith filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of Persimmon Way as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Troy D. Williams, Hurt and Proffitt, Inc., Representative

VII. ATTACHMENTS

1. “Plat Showing Persimmon Way Section II”
(see attached plat by Hurt & Proffitt, Inc., dated May 13, 2005)

Minutes from the September 14 Planning Commission meeting. These minutes have not been reviewed or approved by the Commission.

The purpose of this request is to dedicate one and nineteen hundredths (1.19) acres for right-of-way for the proposed public street to be named "Persimmon Way" located on the east side of Mountain Laurel Drive.

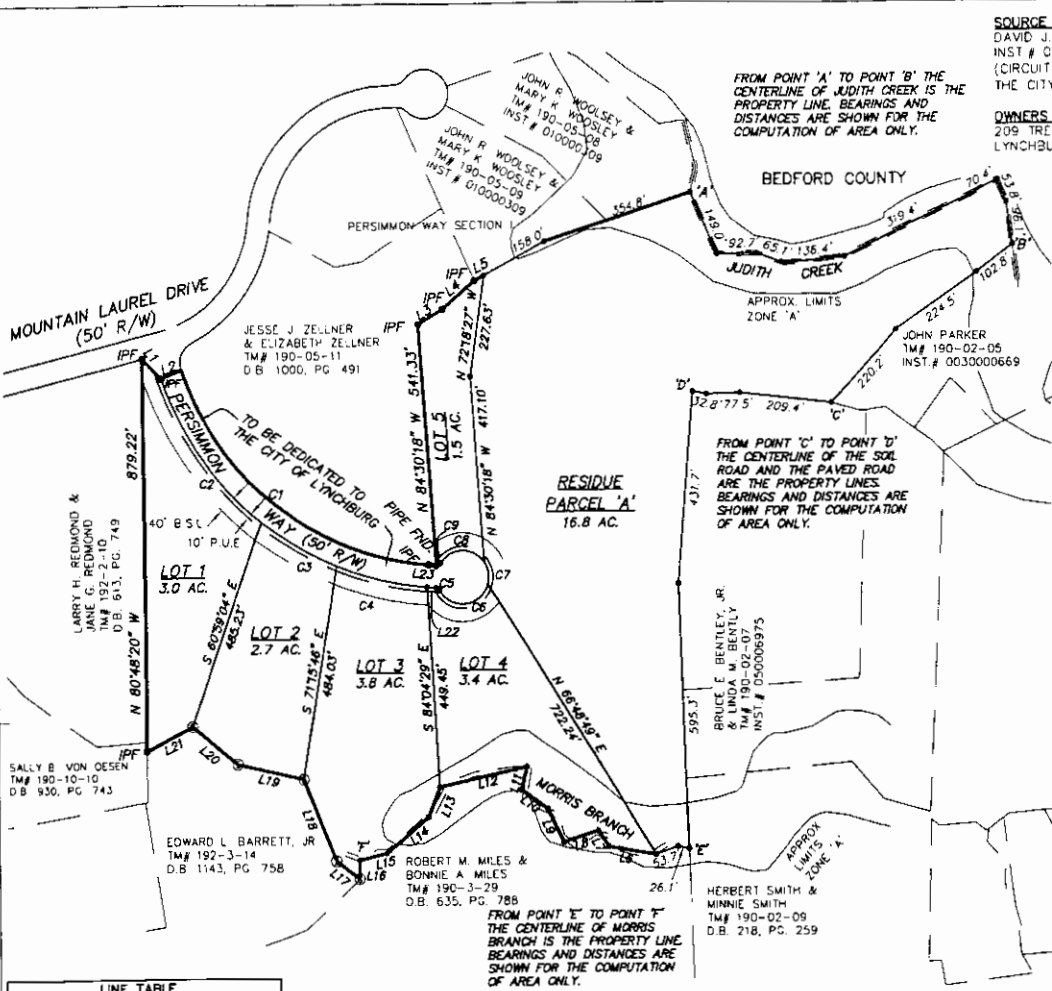
Mr. Tom Martin, City Planner, told the Commission that the staff had no additional comments other than what was in the report.

Mr. Troy Williams, Hurt & Proffitt, Inc., 2524 Langhorne Road, represented this request. Mr. Williams said this was a five (5) lot subdivision with a small residue lot. He added that the surrounding area was all residential.

After discussion Commissioner Hamilton made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street to be named "Persimmon Way," with fifty feet of right-of-way, approximately nine hundred (900) feet in length, to be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated May 13, 2005. The dedication of Persimmon Way and its acceptance as a public street is contingent on David J. Smith and Patricia Smith filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Persimmon Way as a public street null and void."

AYES:	Bacon, Dahlgren, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes	1



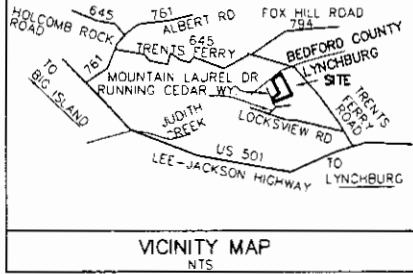
LINE TABLE		
LINE	BEARING	LENGTH
L1	N 56°07'14" E	61.14
L2	N 13°18'15" W	50.12
L3	N 21°53'48" W	65.00
L4	N 30°56'26" W	98.17
L5	N 18°41'26" W	25.00
L6	S 18°27'06" W	113.72
L7	S 64°28'22" W	43.86
L8	S 08°36'07" E	82.68
L9	S 73°03'22" W	84.44
L10	S 44°42'09" W	74.43
L11	N 66°51'46" W	52.73
L12	S 02°54'35" E	204.48
L13	S 58°48'05" E	72.08
L14	S 30°43'19" E	125.00
L15	S 03°38'01" E	65.77
L16	S 79°44'47" E	42.09
L17	S 46°25'59" W	67.73
L18	S 77°44'04" W	197.95
L19	S 22°20'04" W	152.91
L20	S 48°22'34" W	135.87
L21	S 18°04'46" E	117.80
L22	N 13°54'59" E	20.83
L23	N 13°54'59" E	17.94

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	68°56'28"	759.42	650.00	716.96	N 47°23'13" E
C2	32°51'31"	401.44	700.00	395.97	N 64°07'44" E
C3	16°10'57"	197.71	700.00	197.05	N 39°36'30" E
C4	17°36'02"	215.03	700.00	214.19	N 22°43'00" E
C5	57°36'29"	10.05	10.00	9.64	S 42°43'13" W
C6	136°50'08"	143.29	60.00	111.59	N 03°06'24" E
C7	49°34'47"	51.82	60.00	50.31	S 89°53'56" W
C8	113°31'42"	118.89	60.00	100.37	S 08°20'42" W
C9	62°20'09"	10.88	10.00	10.35	N 17°15'05" W



SOURCE OF TITLE: (TM# 190-05-13)
DAVID J. SMITH & PATRICIA SMITH
INST # 050005673
(CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA)

OWNERS ADDRESS:
209 TRENTS FERRY ROAD
LYNCHBURG, VA 24503



NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. A PORTION OF THE AREA SHOWN HEREON IS LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY AND SHOWN ON COMMUNITY-PANEL MAP NUMBER 510093 0005 B DATED SEPTEMBER 1, 1978. THE APPROXIMATE LIMITS OF FLOOD HAZARD ZONE 'A' ARE SHOWN HEREON IN THE SHADED AREA.
4. PROPERTY WILL BE SERVED BY WATER AND SEWER FROM THE CITY OF LYNCHBURG
5. EXISTING UTILITIES ARE OVERHEAD AND UNDERGROUND.
6. THE AREA SHOWN IS TM# 190-05-13 AND IS 32.139 ACRES.
7. IRONS OR MONUMENTS TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

DAVID J. SMITH

PATRICIA SMITH

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY OF _____, 20__ MY COMMISSION EXPIRES _____

SUBDIVISION APPROVED

DIRECTOR OF ENGINEERING, LYNCHBURG, VIRGINIA

CLERK OF COUNCIL, LYNCHBURG, VIRGINIA



ENGINEERING & SURVEYING PLANNING
PROFFITT
INCORPORATED
2574 LAUGHORNE ROAD
LYNCHBURG, VA 24503
PHONE 804/725-6600
FAX 804/725-6601

HURT

**PLAT SHOWING
PERSIMMON WAY SECTION II
CITY OF LYNCHBURG, VIRGINIA**

PROJECT NO. 20050533
G.L. NO. 239-09.83.9
FILE NO.
DATE 5-13-2005
DRAWN BY: CBL
CHECKED BY: TDW

HURT PROFFITT